



Substitute House Bill No. 6577

Public Act No. 05-19

AN ACT CONCERNING PATIENTS AT THE WHITING FORENSIC DIVISION AND HEARINGS FOR CERTAIN CRIMINAL DEFENDANTS PLACED FOR TREATMENT PENDING CIVIL COMMITMENT PROCEEDINGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 17a-517 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

If any person in the custody of the Commissioner of Correction who is brought to a hospital pursuant to the provisions of sections 17a-499, 17a-509, 17a-512 to 17a-517, inclusive, 17a-520, [and] 17a-521 and 54-56d, as amended by this act, is a desperate or dangerous individual, such person shall be hospitalized in the Whiting Forensic Division. If the Whiting Forensic Division is unable to accommodate such transfer, then such person shall remain in the custody of the commissioner at a correctional institution, there confined under appropriate care and supervision. Under no circumstances shall an inmate with psychiatric disabilities requiring maximum security conditions be placed in a state hospital for persons with psychiatric disabilities which does not have the facilities and trained personnel to provide appropriate care and supervision for such individuals.

Sec. 2. Subdivision (1) of subsection (k) of section 54-56d of the

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general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(k) (1) When any placement order for treatment is rendered or continued, the court shall set a date for a hearing, to be held within ninety days, for reconsideration of the issue of the defendant's competency. Whenever the court receives a report pursuant to subsection (j) of this section which indicates that (A) the defendant has attained competency, (B) the defendant will not attain competency within the remainder of the period covered by the placement order, [or] (C) the defendant will not attain competency within the remainder of the period covered by the placement order absent administration of psychiatric medication for which the defendant is unwilling or unable to provide consent, or (D) the defendant has been placed for treatment pending civil commitment proceedings pursuant to subdivision (2) of subsection (h) of this section and the application for civil commitment of the defendant is denied or not pursued, the court shall set the matter for a hearing no later than ten days after the report is received. The hearing may be waived by the defendant only if the report indicates that the defendant is competent. The court shall determine whether the defendant is competent or is making progress toward attainment of competency within the period covered by the placement order. If the court finds that the defendant is competent, the defendant shall be returned to the custody of the Commissioner of Correction or released, if the defendant has met the conditions for release, and the court shall continue with the criminal proceedings. If the court finds that the defendant is still not competent but that the defendant is making progress toward attaining competency, it may continue or modify the placement order. If the court finds that the defendant is still not competent and will not attain competency within the remainder of the period covered by the placement order absent administration of psychiatric medication for which the defendant is unwilling or unable to provide consent, it shall proceed as provided in subdivisions (2) and

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(3) of this subsection.

Sec. 3. Subsection (p) of section 54-56d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(p) This section shall not be construed to require the Commissioner of Mental Health and Addiction Services to place any violent defendant in a mental institution which does not have the trained staff, facilities and security to accommodate such a person. [If placement in such a facility becomes necessary, a state policeman shall be provided to guard the defendant after placement in such an institution.]

Approved May 9, 2005